Public Works (1906) Department.

G.O., No. 963

DATED 8th Sept 1906.

Proof

8/9/06

The Notes in this G.O. have been printed.

[Despatch Abstract.]

Compensation to be paid for lands damaged by the Periyar Water

Stating with remarks that the Govt. consider that it will be sufficient to acquire lands which have actually been permanently damaged or washed away up to date, & that there is no necessity to acquire any other lands either to train the river or to provide for future damage

P. W. 38.
2,000—6-7-06.

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8/9/06

130 copies of G.O.
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BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

IRRIGATION.

Government of Madras.

PUBLIC WORKS DEPARTMENT.

Recd.	1906	*Enclosures*
Regd.		*Spare copies*

G.O., No. 963 I., 8th September 1906.

Compensation to be paid for lands damaged by the Periyar water

Stating, with remarks, that the Government consider that it will be sufficient to acquire lands which have actually been permanently damaged or washed away up to date, and that there is no necessity to acquire any other lands either to train the river or to provide for future damage.

GOVERNMENT OF MADRAS.

PUBLIC WORKS DEPARTMENT.

Irrigation.

READ—the following papers :—

I

G.O., No. 418, Revenue, dated 11th May 1905.

ABSTRACT.—Passing orders on proposals relating to the compensation for lands damaged by Periyár water.

G.O., No. 504 I., dated 25th May 1905.

ABSTRACT.—Directing the Superintending Engineer, VI Circle, to submit for sanction at an early date an estimate of compensation to be paid for the lands damaged by the Periyár water.

G.O., Nos. 1225-26 I., dated 12th December 1905.

ABSTRACT.—Ordering that the sanction of the Government of India be requested to an estimate of Rs. 85,000 in connection with the compensation for land damaged by the Periyár water.

G.O., No. 226 I., dated 28th February 1906.

ABSTRACT.—Communicating to the officers concerned the sanction of the Government of India to an estimate of Rs. 85,000 for compensation for lands damaged by the Periyár water, and sanctioning the entertainment, for a period of four months, of the Revenue establishment for the acquisition of lands.

II

Letter—from S. B. MURRAY, Esq., Superintending Engineer, VI Circle.
To—the Chief Engineer for Irrigation (through the Collector of Madura).
Dated—Trichinopoly, the 26th June 1906.
No.—368 C.E.

I have the honour to invite your attention to the following G.Os., No. 504 I., dated 25th May 1905, No. 1225 I., dated 12th December 1905, No. 226 I., dated 28th February 1906, which convey the orders of Government with regard to the acquisition of land damaged or destroyed by the flow of Periyár water down the Viravanar and Surilayar rivers.

2. I have recently inspected these rivers where the damage has occurred, and have enquired into the working of the special party which has been formed to acquire the land destroyed or damaged. I found that the party were engaged on —

(1) acquiring land which had been rendered permanently unfit for cultivation ;

(2) calculating the area of the land which had been washed away ;

(3) taking a survey and levels on both sides of the rivers, with a view to the acquisition of land to meet further erosions consequent on the proposed increased discharge of 400 cusecs from the Periyár lake, and for the future conservancy of the rivers.

3. There can be no question as to the necessity for Nos. (1) and (2), and it is also necessary that land acquired under No. (1) should be clearly and permanently demarcated.

I do not agree with the work which is being done under No. (3). There is no immediate probability of the increase of 400 cusecs from the lake, and when this does take place it is impossible to say now what effect it will have on the Viravanar and Surilayar rivers, nor where the erosions will take place. The result of the present work will, I am convinced, be that in places Government will be taking up land which will not be eroded, and that in others erosions will take place beyond the limits of the land being acquired. Another reason given for taking up land is that it is required for the future conservancy of the rivers. An inspection of the banks will at once show the futility of attempting conservancy. The banks, especially where erosion takes place, are formed almost entirely of alluvial soil, and the level of the flow of water which causes damage is below bank level. This flow cuts in under the bank and undermines it, and for this I see no remedy except at a prohibitive cost.

4. In my opinion the correct course for Government to adopt is to confine itself to paying for damage which actually occurs, and to continue doing this until the rivers assume a permanent régime, or until Government choose to declare that they are no longer responsible for the action of these rivers.

5. The present maximum discharge from the Periyár lake has been flowing since 1895, so I think it may be assumed that the Viravanar and Surilayar rivers have by this time assumed their permanent régime, and that in future erosions, if any, will only be on a small scale. I therefore consider that the time has come for Government to declare that they are no longer responsible for damages caused by these rivers.

6. Both the Executive Engineer and the Deputy Collector in charge of the Special Party agree with me, and I believe I am correct in saying that the Collector does so too, except that he suggested that a small strip of land, 10 feet wide, should be taken up all along the river margin, so that stones could be placed a little way back from the river, for use when measuring up future erosions. In this I do not agree with him, for even if the stones do survive, one cannot put any reliance on their not being removed, as the ryots protest strongly against their land being acquired, and for future measurements I would prefer to depend upon the permanent field stones further back from the river.

7. I now request early orders about how much land, other than that permanently damaged, and washed away, has to be acquired, and how all the land to be taken up under Nos. (1), (2) and (3) is to be demarcated.

III

Letter—from M. Young, Esq., I.C.S., Acting Collector of Madura.
To—the Chief Engineer for Irrigation.
Dated—the 13th July 1906.
No.—R. Dis. 600-Rev.

I have the honour to forward herewith letter No. 368 C.E., dated 26th June 1906, addressed to you by the Superintending Engineer, VI Circle, forwarded through me.

2. Mr. Murray has raised two questions, (1) as regards the extent of land to be acquired, other than that permanently damaged and washed away, (2) how the land to be taken up is to be demarcated.

3. As regards (1), I entirely agree with him that it is useless to acquire any land, other than that already permanently damaged or washed away, in order to control the course of the river. Inspection of the river and its banks shows clearly that any attempt to control the river is impossible except at a prohibitive cost. I regard the acquisition of further land for such a purpose as useless for the object in view, and as an unnecessary expense to Government since the lands would be thrown out of cultivation. I would recommend for consideration the question whether the river cannot now be regarded as a "natural stream" in order to avoid the payment of

compensation for any lands that may hereafter be damaged. The Periyár water has been taken down the bed of the river for more than 10 years, the character of the soil is such that the banks of the river were always liable to erosion whenever there was a flood; it is probable that the banks are no more liable to erosion now than they were before the Periyár water was let in. It seems to me that the time has come for Government to consider whether the river should not be declared to be a "natural stream," after the present work of compensating the owners of the already permanently damaged or washed away lands has been completed. But whether this be done or not, I entirely agree with the Superintending Engineer that it is inadvisable to acquire further lands for the purpose of controlling the river.

4. As regards (2) I noticed that the Special Deputy Collector, who is acquiring the damaged lands, was placing his demarcation stones on the very edge of the lands and I suggested that as the banks were certain to fall shortly in many places owing to the nature of the soil it was desirable to acquire a little more land than was found to be actually damaged, etc., so that the Deputy Collector might place his demarcation stones a few feet from the edge of the banks. I considered that this would ensure the safety of the greater number of the stones planted for some time to come. If this be not done, then I see little use in putting in any stones at all, for a great many of them will disappear, owing to the crumbling of the banks, in the course of a short time. As regards the demarcation of any further lands that may be acquired in order to control the course of the river, I certainly think that they should be permanently demarcated. For if the river is to be controlled, I presume the banks must be strengthened and revetted, so as to prevent any further crumbling or erosion. There would then be every reason for permanently demarcating the lands acquired.

Order—No. 963 I., dated 8th September 1906.

In his report recorded in G.O., No. 418, Revenue, dated 11th May 1905, Mr. Wallace, I.C.S., Revenue Divisional Officer, Dindigul, who was deputed to investigate the question of compensation to be paid for lands damaged or washed away by the flow of Periyár water down the Vairavanar and Suruliyar rivers, stated that in his investigations he had confined himself to lands damaged up to 1902, the year in which a survey was made by the Public Works Department of all such lands, and that he had taken no notice of lands affected subsequent to that year. He explained that he proceeded on the assumption that after 1902, or six years after the opening of the project, the Periyár should be regarded as a natural river, for the vagaries and shiftings of which the Government was not responsible. He pointed out that, if this view was not accepted, a fresh survey by a professional surveyor would have to be made from time to time to settle the question of lands damaged. In G.O., No. 418, Revenue, dated 11th May 1905, above quoted, the Government, while sanctioning the acquisition on payment of compensation of the lands ascertained by Mr. Wallace to have been actually washed away or permanently damaged by the action of Periyár water, directed that steps should be taken to acquire such further lands as might be necessary for the purpose of training and controlling the river, as a margin thus acquired would include all lands likely to be damaged in the future.

2. In G.O., No. 1225 I., dated 12th December 1905, approving the submission for the sanction of the Government of India of the estimate of Rs. 85,000 to cover the cost of the acquisition of the lands, it was observed that provision had been made in the estimate for compensation for lands damaged after the year 1902, but as damage to private lands could not be expected to cease until the river had been brought into a state of permanent régime, the Superintending Engineer was instructed to put in hand as early as possible the survey required to ascertain what further lands should be acquired for the river margin. In communicating the sanction accorded by the Government of India to the above estimate in G.O., No. 226 I., dated 28th February 1906, it was directed that the lands acquired should be clearly and durably demarcated and accurate plans and lists of them made in consultation with the Special Deputy Collector to be appointed for the acquisition of the lands.

3. In their letters read above the Superintending Engineer, VI Circle, and the Collector of Madura, point out difficulties in the way of acquiring a margin for the river, and state that it is not possible to find out where further erosions will take place. It is also stated that it is useless to attempt the conservancy of the rivers, as their banks are formed almost entirely of alluvial soil, which is undermined even when water flows below bank level. They suggest that as the Periyár water has been running down the rivers since 1895, it may be assumed that the Vairavanar and Suruliyar have attained a permanent régime and that the time has now come for Government to declare that the State is no longer responsible for damages caused by these rivers.

4. For purposes of demarcation, the Collector considers that a small strip of land 10 feet wide may be taken up along the river, so that boundary stones could be placed a little way back from the river for use when measuring up future erosions. The Superintending Engineer, however, does not concur in this view as there is no guarantee that the stones will not be removed by the ryots, who are reported to protest strongly against the acquisition of their lands, while, for future measurements, the permanent field stones further back from the river could be depended upon. The Superintending Engineer requests orders as to how much land other than that permanently damaged and washed away should be acquired and how the lands taken up are to be demarcated.

5. The Government consider that it will be sufficient to acquire lands which have actually been permanently damaged or washed away up to date. There is no necessity to acquire a 10-ft. margin for the purpose of fixing demarcation stones, as suggested by the Collector, or any other lands either to train the river or to provide for future damage, nor do the Government consider it requisite to issue any declaration respecting their liability for future damage.

(True Extract.)

C. A. SMITH,
Ag. Joint Secretary to Government,
Irrigation Branch.

To the Superintending Engineer, VI Circle.
,, Chief Engineer for Irrigation.
,, Examiner, Public Works Accounts.
,, Board of Revenue (Revenue Settlement)
,, ,, (Land Revenue).
,, Revenue Department.

Forwarded to the

(By order.)

Deputy Registrar.

PUBLIC WORKS DEPARTMENT
(IRRIGATION BRANCH).

NOTES CONNECTED WITH G.O., No. 963 I., DATED 8TH SEPTEMBER 1906.

[SUBJECT.—*Acquisition of a margin for the control of the Suruliyar and Vairavanar rivers.*]

Under Secretary—

In G.O., No. 616, Revenue, dated 16th July 1902, the Collector of Madura was directed to investigate the question of compensation to be paid for the lands on the banks of the Vairavanar and Suruliyar, which were destroyed and rendered unfit for cultivation by the letting down of Periyár water and to submit proposals for the acquisition of these lands. In his letter dated 19th September 1902, No. 1336 M.D., recorded in G.O., No. 102 I., dated 31st March 1903, the Superintending Engineer, VI Circle (Mr. Wilson) reported with reference to the above Government Order that a survey was being made of the lands affected and observed "actual proof of the extent of "damage due to Periyár water is of course difficult, but in the higher reaches of the "river where the damage must be greatest and where scouring is still going on, it is "a question whether it would not be advisable to take up a certain amount of margin "on both sides of the river treating the land within the margin as padugai, and this "I understand is what Mr. Keeling himself would propose. On my inspection I "noticed attempts at protective work erected by riparian owners, which will have to "be controlled".

2. The investigation of the extent of damage which was made by the Public Works Department officers not being considered sufficient by the Revenue Department, Mr. Wallace, I.C.S., Revenue Divisional officer, Dindigul, was deputed in 1904 to investigate the question and to submit proposals. Mr. Wallace brought to notice that, as the washing away of land by the Periyár river was continuing, the measurements taken and plottings made by the Public Works Department in 1902 showed an area smaller than was actually the case in 1904. In this connection he wrote as follows: "It has to be decided once for all, whether we are to take account "now and in the future of the continual corroding which will go on for several years "yet, or whether it must not be held that to all intents and purposes the Periyár is "now and has been for some years a river, for the vagaries and shiftings of which "Government, as in the case of other rivers, cannot be held responsible". He further stated that in his investigation he proceeded on the assumption that in 1902, when the Public Works Department plans and lists were drawn up, the Periyár was a river and that he did not take account of the erosions which had taken place since then, but confined himself to seeing that the actual areas shown in the Public Works Department lists of 1902 were really damaged by the Periyár. He pointed out that, if this view was not accepted, a fresh survey by a professional surveyor would have to be made from time to time to settle the question of lands damaged by the Periyár. The Collector and the Board of Revenue agreed in Mr. Wallace's view but in G.O., No. 418, Revenue, dated 11th May 1905, passing orders on his report, no opinion was expressed by Government as to the correctness of the above assumption. In his note dated 3rd January 1905, the Hon'ble Mr. J. N. Atkinson, then Revenue Secretary, remarked on this point: "I am afraid the proposal to take no account of lands "damaged since 1902 won't hold water. If the damage is due to the increased volume

"of water passed down the river in consequence of Periyár works, Government is "liable. We might consult the Advocate-General. The proper course would seem "to be if practicable, to train the river and bring it under control and to acquire all "land likely to be damaged by it." The Government in the above quoted Government Order sanctioned the acquisition of the lands damaged, and ordered that steps should be taken to acquire such further lands as might be necessary for the purpose of controlling the river. With reference thereto, the Superintending Engineer, VI Circle (the present Chief Engineer for Irrigation) pointed out in his letter dated 22nd September 1905, No. 636 C.E., that though the Executive Engineer considered that the survey necessary for the submission of proposals for training the river could be postponed till after the completion of the proposed Gudalur reservoir, he was of opinion that the necessary investigation for training the river should be put in hand at once.

3. In Mr. Garrett's memorandum No. 318 O., dated 9th October 1905, the Superintending Engineer was informed that the survey for the acquisition of the river margin should be put in hand at once and that this survey might proceed on the assumption that the discharge of the river would be increased by about 400 cusecs, which was the supply required for the proposed extension of Irrigation if the power scheme was carried out. In G.O., No. 1325 I., dated 12th December 1905, approving the submission to the Government of India, for sanction, the estimate of Rs. 85,000 for the cost of the acquisition of lands actually damaged or washed away, it was observed that the estimate contained provision for lands damaged by the Periyár water subsequent to the preparation of the list and that as damage to private lands could not be expected to cease until the river had been brought into a state of permanent regime the payment of compensation for damage done by the Periyár water until then was only equitable. The Superintending Engineer was accordingly instructed to put in hand as early as possible the survey required to ascertain what further lands should be acquired for the river margin. At the same time, in this office endorsement No. 4055, dated 16th December 1905, the application made by the Superintending Engineer for a specially good subordinate to undertake the survey of the river margin, was recommended to the Chief Engineer, Public Works Department. It is not known what action was taken by Chief Engineer, Public Works Department, on this recommendation. It is understood from his office that the papers are at Ootacamund and that no information is available here.

4. While communicating the sanction accorded by the Government of India to the estimate of Rs. 85,000, it was directed in G.O., No. 226 I., dated 28th February 1906, that the lands acquired should be clearly and durably demarcated and accurate plans and lists of them made in consultation with the Special Deputy Collector to be appointed for land acquisition. As regards lands not included in Mr. Wallace's list, for which however compensation had been provided in the estimate of Rs. 85,000 sanctioned by India, the Land Acquisition Deputy Collector was ordered in the above Government Order to satisfy himself, before paying compensation for such lands, that the damage done in each case was due to the action of Periyár water.

5. The Superintending Engineer, VI Circle, now reports that he recently inspected the Vairavanar and Suruliyar rivers and found that the land acquisition party was engaged on—

(1) acquiring land which had been rendered permanently unfit for cultivation;

(2) calculating the area of the land washed away; and

(3) taking surveys and levels on both sides of the rivers with a view to the acquisition of land to meet further erosions, assuming an increased discharge of 400 cusecs from the Periyár lake, and for the conservancy of the rivers.

While observing that the work falling under items (1) and (2) is unquestionably necessary, and also that lands acquired under (1) should be clearly and permanently demarcated, the Superintending Engineer states that he cannot agree as to the necessity for the third item. He points out that it is not possible to say where erosions will take place consequent on an increased discharge from the lake and that it is futile to attempt, except at a prohibitive cost, the conservancy of the rivers, the banks of which are owing to their composition cut and undermined even when water is below bank level.

6. Mr. Murray considers that the correct course for Government to adopt, is to confine itself to paying for damage which actually occurs until such time as the rivers assume a permanent regime or until it is declared that the State is no longer responsible for the action of these rivers. He suggests, moreover, that the time has come for Government to declare so, as the present maximum discharge from the lake has been flowing since 1895 and it may be assumed that the rivers have attained a permanent regimé. It is stated that both the Executive Engineer and the Land Acquisition Deputy Collector agree with him and that the Collector also is of the same view except that he wants a narrow strip of land, 10 feet wide, being taken up along the entire length, so that demarcation stones may be placed a little way back from the river for identification when measuring up future erosions. The Superintending Engineer observes that even this strip is not really necessary. Finally, he requests orders as to how much land other than that permanently damaged or washed away has to be acquired, and how all the land taken up is to be demarcated.

7. The Collector through whom the Superintending Engineer's letter has been submitted expresses his entire concurrence with the Superintending Engineer in the futility of acquiring land for controlling the river. As regards demarcation, he states that a certain margin from the edge of the banks is necessary as otherwise demarcation stones would disappear with the crumbling of banks.

8. On the subject of the acquisition of lands for the river margin, attention is solicited to the Hon'ble Mr. Atkinson's note, dated 3rd January 1905, quoted on page 1. No reference appears to have been made to the Advocate-General on the point whether the State can now disclaim responsibility for damage done by the Periyár water and whether the Vairavanar and Suruliyar rivers can be considered as natural streams.

9. It is submitted that the papers may be forwarded to the Revenue Department for favour of remarks specifically on this point, and in order that the opinion of the Advocate-General may be obtained if considered necessary.

A. Sankara Narayana Aiyar.
4–8–06.

T. Ramakrishna Aiyar.
5–8–06.

I see no use in doing this unless it is certain that we have the power to enforce it.
C. A. Smith.
8–8–06.

I do not see that any harm can come from issuing a notice in the Gazettes stating that Government disclaim * any further responsibility and will not admit any claims in future; I doubt if it will impose on the Madura vakils.

The opinion of the Revenue Department may be sought.

T. W. S. Smyth.
8–8–06.

I agree with the Superintending Engineer's views as given in his No. 368 C.E., dated 26th June 1906, that if as stated by him it is useless to attempt protective measures, there is no use in acquiring extra land along the margins.

We should, therefore, consent ourselves for the present with acquiring lands already damaged and recording the boundaries of the land so acquired with reference to the existing survey stones clear of the margin.

I agree with the Superintending Engineer that this should be sufficient and that it is not necessary to acquire a 10 feet strip for the purpose of fixing our own stones which unless fixed in concrete would probably be moved by the ryots.

It however seems desirable to settle the question as to whether, and if so when, Government can disclaim liability for further damage.

C. A. Smith.
8–8–06.

To the Revenue Department u.o.

REVENUE DEPARTMENT.

Secretary—

The practical question is apparently what the special land acquisition staff is to acquire.

2. Every one seems to be agreed that the idea of acquiring lands used for the purpose of training the river is impracticable, and though Mr. Murray states that the special acquisition party is "taking a survey with a view to acquisition of land to meet further erosion", the Deputy Collector says nothing about this in his letter in the linked file. He in fact appears to contemplate acquisition of a total area of only 189 acres, which is less than the damaged area estimated for in G.O., No. 226 I., dated 28th February 1906.

3. As to the general question of the responsibility of the Government for damage done by the river, I don't think we can expect a legal opinion of any value—it is a question of fact in each case, and of expert evidence. As the river has been running in its present volume for over ten years, it seems perfectly equitable for Government to decide now to take the existing state of things as the "natural" state, and to refuse to acquire any more lands than those already damaged, and now being acquired. Future claims may be left to be settled by the Courts. It may be noted also that according to Mr. Murray the ryots apparently "protest strongly against their lands being acquired".

4. The orders for which Mr. Murray asks in paragraph 7 of his letter may be that acquisition should be confined to lands which have actually been permanently damaged and washed away and that they should be permanently demarcated according to actual acquisition. The Deputy Collector is apparently doing this and expects to finish in the second week of September.

F. B. EVANS.
9-8-06.

Honourable Member—

I agree with Mr. Evans' proposals. It is useless to acquire lands not yet damaged in the hope of anticipating future erosion, and it would be so costly to train the river that acquisition for that purpose is out of the question.

2. I agree with Mr. C. A. Smith that no notice disclaiming liability for future erosion need be issued. As the river has now been carrying Periyár water for ten years, no great change in present conditions is likely to occur unless and until the volume of Periyár water is increased. If the additional reservoir is hereafter built, and if an increased discharge of 400 cusecs is put into the river, further damage may *then* arise, and it would be only right then to compensate any owner whose property is clearly proved to have been so damaged. But this matter may be left to be settled when it occurs. The publication of a notice would not bar a claim for damage, if damage were proved.

A. G. CARDEW.
10-8-06.

I agree that no acquisition should be made for the purpose of training the river or to provide for further damage.

The Deputy Collector is ascertaining and acquiring the lands which have been actually washed away up to date. I consider that after the present operations are complete no further action to acquire or compensate should be taken. If any claim is made hereafter, it will depend on the actual facts of the case whether it should be admitted or contested. We may now assume that the river has settled into its natural course. It will in future be for the claimant to prove otherwise. No notice disclaiming further liability need be issued. We must contest any future claim when made if it is inequitable or not fully made out.

G. S[TOKES].
11-8-06.

To the Public Works Department (Irrigation) u.o.

A.G.C.
13-8-06.

PUBLIC WORKS DEPARTMENT
(IRRIGATION BRANCH).

Joint Secretary—

Seen.

T. W. S. SMYTH.
15-8-06.

Under Secretary—

The Collector and Superintending Engineer have to be informed accordingly. Please put up draft order.

C. A. SMITH.
16-8-06.

Under Secretary—

A draft order is submitted, which, if approved, may be forwarded to the Revenue Department for perusal before circulation to His Excellency the Governor.

A.S.N.
22-8-06.

T.W.S.S.
24-8-06.

The draft order is forwarded to Revenue for acceptance.

C.A.S.
24-8-06.

To the Revenue Department u.o.

REVENUE DEPARTMENT.

Secretary—

I am not sure of the meaning of the words in paragraph 5 of the draft "to record their boundaries with reference to the existing survey stones clear of the margin."

What seems necessary is "to demarcate the outer boundary of the lands so acquired."

F. B. EVANS.
27-8-06.

Perhaps the above suggestion may be adopted in Public Works Department (Irrigation) in order to make paragraph 5 (or is it 6?) quite clear.

At the end, it might save further reference to add "nor does the Government consider it requisite to issue any declaration respecting its liability for future erosion."

A. G. CARDEW.
28-8-06.

To the Public Works Department (Irrigation) u.o.

PUBLIC WORKS DEPARTMENT
(IRRIGATION BRANCH).

Joint Secretary—

For orders if paragraph 5 of the draft order may be altered as shown in pencil, with reference to the remarks of the Revenue Department above, and the file circulated to His Excellency the Governor.

A.R.
28-8-06.

The meaning of that part of paragraph 5 referred to above is that, as it is considered useless to fix demarcation stones on the margin where they will be liable to erosion, the boundaries of the land should be recorded by means of measurements from the existing boundary stones at a safe distance from the margin. There is no objection to the addition at the end of last paragraph suggested by Revenue Secretary.

C. A. SMITH.
28-8-06.

To the Revenue Department u.o.

REVENUE DEPARTMENT.

Secretary—

Whether stones are placed on the boundaries of the lands acquired or not, measurements to the next field stone will be recorded.

It is the rule laid down in the Board's Standing Order that all lands acquired should be durably demarcated, and as we are in the case assuming that the line of bank now fixed will be more or less permanent, it seems hardly logical to refuse to demarcate on the ground that the stones are likely to be washed away.

F. B. EVANS.
29-8-06.

I now understand the intention of the original draft, viz., not to demarcate the actual boundaries, because of the risk of the stones being washed away, but to record the distance from those boundaries to the nearest safe stone. I don't think the Government Order need lay down a hard-and-past rule on the point. There may be cases, and from my recollection of the lands, there will be cases, in which it will be safe to apply the usual rule (Board's Standing Order) and demarcate the actual boundary. In other cases it would be useless to do so. The Superintending Engineer does not ask for orders on this point, and perhaps reference to it may be omitted, and the question of demarcation left to be dealt with by the local officers under the Standing Orders.

A. G. CARDEW.
29-8-06.

To the Public Works Department (Irrigation) u.o.

PUBLIC WORKS DEPARTMENT
(IRRIGATION BRANCH).

The question of demarcation was raised by the Collector who stated that if the stones were placed on the edge, a great many would disappear and it would be better not to put them at all. The simplest plan will, I think, be to omit the words from "and to record" to "clear of the margin" and also omit the pencil addition of Revenue Under Secretary. This I believe is what Revenue Secretary proposes.

C.A.S.
30-8-06.

To the Revenue Department u.o.

REVENUE DEPARTMENT.

Secretary—

F.B.E.
31-8-06.

Yes. Revenue may agree to proposal above.

A.G.C.
1-9-06.

To the Public Works Department (Irrigation) u.o.

PUBLIC WORKS DEPARTMENT
(IRRIGATION BRANCH).

For orders if this may now be circulated to His Excellency the Governor with the above omission.

A.R.
1-9-06.

Note for His Excellency—

The file relates to the question of the acquisition of a margin of land along the Suruliyar and Vairavanar rivers.

G.O., No. 418, Revenue of 11th May 1905, sanctioned the acquisition of certain lands already damaged by the constant flow of water from the Periyár reservoir and considered that steps should be taken to acquire such further lands as may be necessary for the purpose of controlling the river.

The necessary steps for acquiring the land already damaged have been taken by sanctioning an estimate and by appointing a Special Deputy Collector to acquire the land.

As regards controlling the river, however, the Superintending Engineer after his inspection has reported that it is impracticable to carry out any efficient works for controlling the river and that there is no use therefore in acquiring any more land for this purpose.

The Collector agrees with the Superintending Engineer and it is therefore considered that Government may accept this view.

As regards future damage, the Hon'ble Mr. Stokes considers that any claims made hereafter should be contested if not fully made out, as it may be assumed now that the river has settled into its natural course and that it will be for the claimants to prove otherwise. The draft order of Government is submitted for approval.

C. A. SMITH.
3-9-06.

Approved.

A. L[AWLEY].
4-9-06.

[Issued as G.O., No. 963 I., dated 8th September 1906.]

P. I. Form No. 1.

H. E.

PUBLIC WORKS DEPARTMENT,
IRRIGATION BRANCH.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Acqn of a margin to control the Vairavanar & Suruliyar rivers

again READ the following

G G.O., No.418 Revenue, dated 11-5- 05.
K ,, ,, 504-I, dated 25-5-05.
IX ,, ,, 1225-26 I, dated12-12-05.
IV ,, ,, 226-I, dated 28-2-06.

Read also -

From the Supg. Engineer, VI Circle, No.368 C.E., dated 26-6-1906.
From the Collector of Madura R.Dis.No.600/Rev dated 13-7-06.

Order. No. 963 I 0/8-9-06

Letter D.Dis No. 1620 Rev. d 28.8.04 pp 8 to 11 of the G.O. (G)

In his report recorded in G.O., No.418 Revenue dated 11-5-05, Mr. Wallace, I.C.S., Revenue Divisional Officer, Dindigul, who was deputed to investigate the question of compensation to be paid for lands damaged or washed away by the flow of Periyar water down the Vairavanar and Suruliyar rivers, stated that in his investigations he had confined himself to lands damaged up to 1902, the year in which a survey was made by the P.W.D. of all such lands, and that he had taken no notice of lands affected subsequent to that year. He explained that he proceeded on the assumption that after 1902, or six years after the opening of the project, the Periyar should be regarded as a natural river, for the vagaries and shiftings of which the Government was not

p 9 of the above G.O.

Issue

D.O. 5/9. 5/9

I for perusal before issue of para 5 of the order

5/9/06

responsible. He pointed out that, if this view was not accepted, a fresh survey by a professional surveyor would have to be made from time to time to settle the question of lands damaged. In G.O., No. 418 Revenue dated 11-5-05 above quoted, the Government, while sanctioning the -- acquisition, on payment of compensation, of the lands ascertained by Mr. Wallace to have been actually washed away or permanently damaged by the action of Periyar water, directed that steps should be taken to acquire such further lands as might be necessary for the purpose of training and controlling the river, as a margin thus acquired would include all lands likely to be damaged in the future.

(G)

IX

2. In G.O., No.1225 I, dated 12-12-05 approving the submission for the sanction of the Government of India of the estimate of Rs 85,000 to cover the cost of the acquisition of the lands, it was observed that provision had been made in the estimate for compensation for lands damaged after the year 1902, but as damage to private lands could not be expected to cease until the river had been brought into a state of permanent regime, the Supg. Engineer was instructed to put in hand as early as possible the survey required to ascertain what further lands should be acquired for the river margin. ~~While~~ In communicating the sanction accorded by the Government of India to the above estimate, ~~it was directed~~ in G.O., No. 226-I dated 28-2-06, it was directed that the lands acquired

Letter from Govt. of India, No. 161 I d/ 6.2.06 printed with G.O. No. 226 I d/ 28.2.06. IV

IV

should be clearly and durably demarcated and accurate plans and lists of them made in consultation with the Special Deputy Collector to be appointed for the acquisition of the lands.

pp 1 to 6 of c.f.

3. In their letters read above the Supg. Engineer VI Circle, and the Collector of Madura, point out [redacted] difficulties in the way of acquiring a margin for the river, and state that it is not possible to find out where further erosions will take place It is also stated that it is useless to attempt the xxxxxxx-conservancy of the rivers, as their banks are formed almost entirely of alluvial soil, which is undermined even when water flows below bank level They suggest that as the Periyar water has been running down the river since 1895, it may be assumed that the Vairavanar and Suruliyar have attained a permanent regime and that the time has now come for Government to declare that the ~~are~~ State is no longer responsible for damages caused by these rivers.

Page 5 of c.f.

Page 6 of c.f.

para 5 4

For purposes of demarcation, ~~however~~, the Collector considers that a small strip of land 10 ft wide may be taken up along the river, so that boundary stones could be placed a little way back from the river for use when measuring up future erosions. ~~But the~~ The Supg. Engineer, however does not concur in this view as -

Page 6 of c.f.

Page 6 of c.f.

there is no guarantee that the stones will not be removed by the ryots, who are reported to protest strongly against the acquisition of their lands, ~~[illegible]~~ while for future measurements, the permanent field stones further back from the river could be depended upon. The Supg. Engineer requests orders as to how much land other than that ~~permanently~~ permanently damaged and washed away should be acquired and how the lands taken up are to be demarcated.

Page 6 of c.f

Page 6 of c.f

6

5. The Government consider that it will be sufficient to acquire lands which have actually been permanently damaged or washed away up to date, ~~and to record their boundaries with reference to the existing survey stones clear of the margin~~. There is no necessity to acquire a 10 ft. margin for the purpose of fixing demarcation stones, as suggested by the Collector, or any other lands either to train the river or to provide for future damage. Nor do the Govt consider it requisite to issue any declaration respecting their liability for future damage.

24/8/06.

24/8/06

DESPATCHED
-5 OCT 1906

To

The Supg. Engineer, VI Circle.
,, Chief Engr. for Irrign.
,, Examiner, P.W. Accounts.
,, Board of Revenue (Rev. Sett)
,, Board of Revenue, Land Rev.
,, Revenue Department.

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